



JCHY RPT/PTO 30 APR 2001
Attorney Docket No. 54337.000009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent Application of :

Dan NILSSON *et al.*

)
)
) Group Art Unit: 1632

Serial No.: 09/720,096

)
) Examiner: To Be Assigned

Filed: December 21, 2000

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)
)
)
For: METHOD OF PREVENTING BACTERIOPHAGE INFECTION
OF BACTERIAL CULTURES

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/
ELECTED OFFICE (DO/EO/US)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a response to the attached U.S. Patent and Trademark Office ("Patent Office") Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) ("Notification") mailed March 28, 2001, requesting Applicants to submit an Oath or Declaration. Applicants wish to advise that they submitted the Joint Declaration For Patent Application and Power of Attorney ("Declaration") on February 1, 2001. Enclosed are copies of the Submission Of Executed Joint Declaration For Patent Application and Power of Attorney, and the date-stamped post card indicating receipt by the Patent Office of those documents.

Accordingly, no fees are believed necessary in connection with this Response.

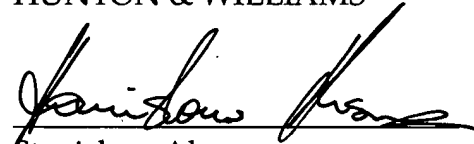
In the event any fees are required in connection with this Response, including any extension of time fees, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206 for any such fees.

Respectfully submitted,

HUNTON & WILLIAMS

Date: April 30, 2001

By:


Stanislaus Aksman
Registration No. 28,562

1900 K Street, NW
Suite 1200
Washington, D.C. 20006-1109
Ph. (202) 955-1500
Fax (202) 778-2201



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/720096	NILSSON	D 54337.000009

STANISLAUS AKSMAN
HUNTON AND WILLIAMS
1900 K STREET N W SUITE 1200
WASHINGTON, DC 20006

INTERNATIONAL APPLICATION NO.	
PCT/DK99/00382	
I.A. FILING DATE	PRIORITY DATE
02 JUL 99	03 JUL 98
DATE MAILED: 28 MAR 2001	

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

☐ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed 12/21/00 and _____.

☒ Information Disclosure Statement(s) filed 12/21/00 and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☒ Other: Sequence Listing and DNA Diskette (entered)

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Barbara A. Campbell

Telephone: 703-305-3631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :)	
)	
Dan NILSSON <i>et al.</i>)	Group Art Unit: To Be Assigned
)	
Serial No.: 09/720,096)	Examiner: To Be Assigned
)	
Filed: December 21, 2000)	

For: METHOD OF PREVENTING BACTERIOPHAGE INFECTION
OF BACTERIAL CULTURES

**SUBMISSION OF EXECUTED JOINT DECLARATION FOR
PATENT APPLICATION AND POWER OF ATTORNEY**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants are submitting herewith the executed Joint Declaration for Patent Application and Power of Attorney ("Declaration") for filing in the above-identified patent application. The Declaration contains signatures of all the inventors. Accordingly, it is respectfully requested that a filing date of December 21, 2000, be granted to this application. This is the date on which the specification was received by the U.S. Patent and Trademark Office ("PTO").

Our check in the amount of \$130.00 is attached to cover the fee for filing the Declaration later than the December 21st filing date of the application. In the event any variance exists between the amount enclosed and the PTO charges, please charge or credit any difference to Deposit Account No. 50-0206.

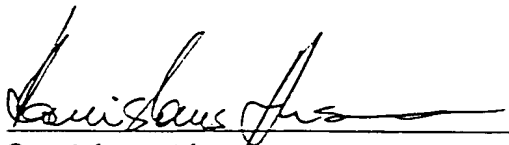
Respectfully submitted,

HUNTON & WILLIAMS

Date: February 1, 2001

1900 K Street, NW, Suite 1200
Washington, D.C. 20006-1109
Tel: (202) 955-1500
Fax: (202) 778-2201

By:


Stanislaus Aksman
Registration No. 28,562

JOINT DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names:

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled Method Of Preventing Bacteriophage Infection Of Bacterial Cultures, the specification of which is the national phase in the U.S.A. of International Application No. PCT/DK99/00332, which

- ☐ is attached hereto.
☒ was filed on December 21, 2000 as Application Serial Number 09/720,096 and was amended on December 21, 2000.
 (if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to in this declaration.

We acknowledge the duty to disclose all information known to us to be material to the patentability of this application, as defined in 37 C.F.R. § 1.56.

We acknowledge the duty to disclose to the Office all information known to us to be material to patentability as defined in § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. 119
Denmark	PA 1998 00878	July 3, 1998		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
				Yes <input type="checkbox"/> No <input type="checkbox"/>

Prior United States Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below

Application Serial Number	Date of Filing (day, month, year)
60/091,735	July 6, 1998

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

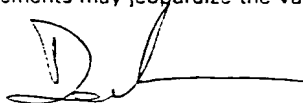
Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Thomas J. Scott, Jr., Registration No. 27,836; Stanislaus Aksman, Registration No. 28,562; James G. Gatto, Registration No. 32,694; Christopher C. Campbell, Registration No. 37,291; Thomas Blasey, Registration No. 33,475; Jennifer A. Albert, Registration No. 32,012; Michael Martinez, Registration No. 37,178; Robert M. Schulman, Registration No. 31,196; Henry C. Su, Registration No. 37,738; Brian M. Buroker, Registration No. 39,125; Charles F. Hollis, Registration No. 40,650; Jonathan D. Link, Registration No. 41,548; Kevin T. Duncan, Registration No. 41,495; George Georgellis, Registration No. 43,632; Christopher J. Cuneo, Registration No. 42,450; Raphael A. Valencia, Registration No. 43,216; Scott D. Balderston, Registration No. 35,436; Steven P. Klocinski, Registration No. 39,251; Yisun Song, Registration No. 44,487; Kerry Owens, Registration No. 37,412; Devin S. Morgan, Registration No. 45,562; Andrew J. Ririe, Registration No. 45,597; Carl Benson, Registration No. 38,378; Thomas E. Anderson, Registration No. 37,063; Robin Clark, Registration No. 40,956; René Vazquez, Registration No. 38,647; Stuart I. Smith, Registration No. 42,159; Ozzie Farres, Registration No. 43,606; David H. Milligan, Registration No. 42,893; Herbert V. Kerner, Registration No. 42,721; Scott F. Yarnell, Registration No. 45,245; David M. Huntley, Registration No. 40,309; David E. Baker, Registration No. 42,285; James R. Miner, Registration No. 40,444; Nancy J. Jensen, Registration No. 45,913; Christopher J. Forstner, Registration No. 46,049 and Bradford Blaise, Registration No. P47,429.

All correspondence and telephone communications should be addressed to Hunton & Williams, 1900 K Street, N.W., Washington, D.C. 20006-1109, telephone number (202) 955-1500, which is also the address and telephone number of each of the above listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature 

Date 15 January 2001

Full Name of
First Inventor NILSSON
Family Name

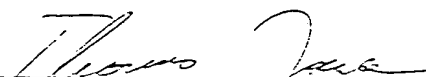
Dan
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Signature 

Date 15 January 2001

Full Name of
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Family Name

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Fax: (202) 778-2201

PATENTS

Serial No.: 09/720,096
Atty/Sec.: SA/ts
Inventor(s): Dan NILSSON *et al.*

Client/Matter: 54337.000009
Client: Chr. Hansen A/S
Date: February 1, 2001

Title: METHOD OF PREVENTING BACTERIOPHAGE INFECTION OF
BACTERIAL CULTURES

The following has been received in the U.S. Patent and Trademark Office on the date
stamped hereon:

1. Submission Of Executed Joint Declaration For Patent Application And
Power Of Attorney;
2. Executed Joint Declaration For Patent Application And Power Of Attorney;
3. Check in the amount of \$130.00

DOCKETED

